argue that "[a] more diverse workforce will . . . increase organizational effectiveness. It will lift morale, bring greater access to new segments of the marketplace and enhance productivity . . . ."[56] In addition, predictions about demographic change over the next half century have provided a compelling rationale that workplace diversity is crucial to firms' growth and survival.[57]

In sum, the experience of minorities in the workforce is mixed. Many employers still discriminate, the consequence of the persistence of stereotypes about minority groups. Other employers, particularly in the white collar sector, are demanding more diverse workforces and rewarding employees who have experience with diversity and are comfortable in diverse settings.

XI. QUALITY OF LIFE: WEALTH AND HEALTH DIFFERENCES

In large part because of pervasive racial separation in residence, education, and opportunity, minorities and white Americans experience significantly different qualities of life. As a result, individuals from different racial and ethnic backgrounds have different expectations and perspectives on some of the most fundamental aspects of day-to-day life. There are stark racial and ethnic gaps in income, wealth, poverty, and health.

African Americans, Hispanics, and Native Americans are far more likely than whites to be economically insecure. Hispanics, blacks, and American Indians are unemployed at twice the rate of whites.[58] The median household income of blacks is 62.6 percent of that of whites, Hispanics 63.9 percent of whites, and American Indians 55.6 percent of whites.[59] Minorities are also disproportionately poor. In the nation as a whole, each group has high rates of poverty (Table 11). The experience of poverty is not unfamiliar to minority children (Table 12). A large percentage of black and Hispanic children grew up poor; many more are likely to have near relatives who live in poverty. Michigan's minorities are also more likely to be living in poverty or at low economic status than their white counterparts.

Table 11: Percent of Families below Poverty Level by Race and Ethnicity, United States, 1960-1995

	All	White	Black	Hispanic	Amer. Inc.	Asian
1960	18.1	14.9	NA	NA	NA	NA
1970	10.1	8.0	29.5	NA	NA	NA
1980	10.3	8.0	28.9	23.2	NA	NA
1990	10.7	8.1	29.3	25.0	27.2	11.9
1995	10.8	8.5	26.4	27.0		12.4

Source: Statistical Abstract of the United States, 1997, Tables 50, 52, 744. NA means data not available.

Table 12: Children in Poverty, United States, 1970-1995 by Race and Hispanic Origin

	All	White	Black	Hispanic
1970	14.9	10.5	41.5	NA
1980	17.9	13.4	42.1	33.0
1990	19.9	15.1	44.2	37.7
1995	20.0	15.5	41.5	39.3

Source: Statistical Abstract of the United States, 1997, Table 737.

The reasons for high rates of impoverishment among African Americans, Hispanics, and Native Americans are many-fold. Blacks are most likely to live in areas that have been left behind by the profound restructuring of the national and international economy: major metropolitan areas, particularly in the northeast and midwest or underdeveloped and very poor areas in the "black belt" region of the deep South. In addition, many black families are headed by women, whose income alone is often insufficient to raise families above the poverty line.[60] Residential segregation has also led to a concentration of poverty in urban areas, such as Detroit. The experience of Hispanics is more varied. Hispanics of African descent or black Hispanics are the worst off, in part as a consequence of their long subordinate status in most Latin American countries; in part because they face similar discrimination by color that affects African Americans. Many Hispanic migrants and immigrants, particularly those from Mexico, Guatemala, Colombia, Puerto Rico, and the Dominican Republic have been employed in the poorest paying, lowest status jobs in the United States, such as farm labor, household service, groundskeeping, and janitorial work. Educational deprivation and lack of language skills also limits many Hispanics' opportunities in the labor market.[61] American Indians, particularly residents of reservations, face staggeringly high rates of impoverishment, in large part because they were relegated to marginal lands, with few natural resources, that had little value for white American settlers. Among American Indians, Eskimos, and Aleuts who lived on reservations, native lands, or trust lands, poverty rates in 1990 exceeded 50 percent.[62]

The experience of poverty among large segments of the minority population is noteworthy in its own right, but it also has far-reaching consequences for many middle-class and well-to-do minorities. The most detailed research on the cross-class effects of poverty concerns middle-class blacks. The black middle class has not, by and large, been able to escape poverty to the degree that middle-class whites have. To be sure, many well-to-do blacks have attempted to move to neighborhoods or communities away from poor and working-class people. But there is little evidence that they have been able to move far from poor people or that the degree of rich-poor separation among blacks has grown. As a consequence many middle-class blacks have direct experience with poverty and its consequences.[63] Middle-class black neighborhoods in cities are often "nestled between areas that are less economically stable," meaning that poverty and its consequences are seldom distant realities in their communities.[64] In addition, middle-class blacks are very likely to live in neighborhoods with large numbers of blue-collar workers, a trend much less likely among whites.[65] The proximity to poverty has many other consequences for middle-class African Americans. Blacks of all classes are more likely to be victims of crime. As Alba, Logan, and Bellair have shown, "[e]ven the most affluent blacks are not able to escape from crime, for they reside in communities as crime-prone as those housing the poorest whites."[66]

The life experience of minorities is fundamentally different from that of whites in another crucial area: wealth. The median household net worth of blacks as of 1993 was only 9.7 percent of that of whites. Hispanics' median household net worth was only 10.2 percent of whites. The wealth gap persists at all levels of household income. The highest quintile of black households by income had only 36.5 percent the median net worth of the highest quintile of white households by income. Upper middle-class blacks and Hispanics -- those in the second highest income quintile -- had a median household net worth less than that of lower middle-class whites -- those in the second lowest income quintile.[67] Large gaps persist between blacks and whites at all levels of income, age, and education. The median net worth of blacks with college degrees is only 23 percent of the median net worth of whites with college degrees.[68] Part of the explanation for wealth differentials are that whites are more likely to own homes than either blacks or Hispanics. And the value of homes owned by blacks is significantly lower than that of whites.[69]

The difference in wealth shapes the opportunities and outlooks of blacks, Hispanics, and whites in different ways. Whereas many whites can expect financial support at crucial junctures in their lives (going to college, getting married, buying a home) and inheritances as the result of their parents' accumulated wealth, few blacks and Hispanics can expect such good fortune. Because of the white-minority wealth gap, most black and Hispanic parents cannot offer substantial subsidies and bequests to their children. Wealth differentials are not just important in terms of life chances: they also shape attitudes. Whites are far more likely to express optimism about their future economic prospects than are members of racial and ethnic minority groups. This is in part the consequence of different expectations about the job market. But differential wealth shapes different expectations about family support and future wealth accumulation.[70]

One of the most important indicators of quality of life is health. One's long-term expectations are shaped in fundamental ways by one's experience with illness, injury, and death from the care of a sick child or adult, to the economic impact of disease and disability, to the devastation of seeing a family member die, particularly in an untimely fashion. The racial and ethnic gaps in health and life expectancy are stark. The life expectancy of whites in 1995 was 76.1; for blacks, it was 69.8. The life expectancy gap between black men and white men was particularly large: white men can expect to live 73.4 years; black men can expect to live only 65.4 years.[71]

Racial gaps in health are significant throughout the life course. Blacks and Hispanics are nearly twice as likely as whites to incur a fetal loss (a stillbirth or miscarriage) during pregnancy. Blacks are nearly four times as likely as whites to have an induced abortion; Hispanics are twice as likely as non-Hispanic whites to have an induced abortion.[72] In 1994, infant mortality rates were nearly two-and-one half times as high for blacks as for whites, and fifty percent higher for American Indians. Blacks have significantly higher death rates than whites for most of the top fifteen leading causes of death in the United States (Table 13).[73]

Throughout the life course, blacks are more likely than whites to die of homicide, residential fires, drowning, and pedestrian accidents. The gap in homicide rates is enormous. Black men have a rate of death by homicide nearly nine times greater than that of white men; the homicide rate for black women is nearly six times greater than that of white women. The gap between black and white homicide death rates is greatest among young men. Homicide is the leading cause of death for black men aged 15-44. The grim reality of violence affects large segments of black America, not merely the poor. A remarkable 70 percent of blacks surveyed stated that they knew someone who had been shot in the last five years, more than double the rate of whites.[74]

Table 13: Black/White Ratio of Age-Adjusted Death Rates for the 15 Leading Causes of Death in the United States

Heart Disease	1.48
Cancer	1.37
Cerebrovascular Diseases	1.86
Pulmonary Diseases	.81
Accidents	1.03
Pneumonia/Influenza	1.44
Diabetes mellitus	2.41
HIV	3.69
Suicide	.58
Homicide	5.97
Liver diseases	1.48
Kidney diseases	2.76
Septicemia	2.71
Atherosclerosis	1.08
Perinatal conditions	3.32

Source: National Center for Health Statistics, Vital Statistics of the United States, 1992, Vol. 2, Mortality, Part A (Washington: Public Health Service, 1996), Tables 1-6, 1-8, 1-40.

XII. DIVISIONS IN ATTITUDES AND PUBLIC OPINION

Public opinion researchers have long examined differences and similarities between blacks and whites. There is relatively little comparative polling data on Hispanics -- in part because of language barriers, in part because their numbers have grown substantially only in recent years. It is virtually impossible to find detailed surveys of Native Americans because of their small numbers. Surveys range widely and relatively few surveys permit systematic comparisons over time. In addition, surveys vary in the questions that they ask and in the ways that they frame issues. While there is no such thing as a fixed, inflexible "white" opinion or "black" opinion, given the variety of surveys and the range of questions asked, surveys show that large gaps divide whites and blacks on a wide range of issues and that those gaps have persisted over time.

Let us begin with common ground. There is much agreement across racial lines on general principles: democracy, striving for success, optimism about the future, an emphasis on individual initiative, and an acceptance of capitalism.[75] A majority of Americans of all races repudiate formalized, de jure racial discrimination.[76] But while common belief on general principles is noteworthy, there are wide gaps on an understanding of how those principles are translated into practice. Blacks and whites differ significantly on their analysis of what is fair, of the extent of inequality and discrimination in American life, and of the desirability of public policies across a wide spectrum.

Large and persistent gaps separate black and white views of race, discrimination, and equality. Whites see little discrimination in American life and they believe that what little they see is diminishing. Minorities, on the other hand, believe that discrimination by race persists and is hardening.[77] Large numbers of minority respondents to surveys report that they or people that they know have been affected personally by racial discrimination and claim that their race affected their hiring prospects or promotion or treatment in the workplace. A steadily rising number of whites believe that race relations have improved in the United States.[78] In 1988, 87 percent of whites believed that "in the past twenty five years, the country has moved closer to equal opportunity among the races," whereas the number of blacks who believed the same declined between the 1960s and the 1980s from between 50 and 80 percent to 20 to 45 percent.[79] In recent surveys (conducted between 1988 and 1991), whites were more likely to believe that "compared with whites," blacks had "equal or greater educational opportunity" (26-27 point difference), "equal or greater job opportunity" (27-36 point difference) and "equal or greater opportunity for promotion to supervisory or managerial jobs" (17-29 point difference).[80] As political scientist Jennifer Hochschild concludes, both blacks and whites agree on the notion of the American dream, but not on whether it has been realized. "Whites believe it works for everyone; blacks believe it works only for those not of their race. Whites are angry that blacks refuse to see the fairness and openness of the system; blacks are angry that whites refuse to see the biases and blockage of the system."[81]

Some of the best data available for the examination of questions of race and public opinion come from the National Election Studies, conducted since 1952 for every midterm and presidential election. The National Election Studies (NES) are the benchmark for quality survey research and serve as the model for many other public opinion surveys. Since 1986, the NES has paid special attention to public opinion on race and public policy. Like other surveys, the NES reveals significant racial divisions on matters of race and public policy. According to the 1986 National Election Study, more than 80 percent of blacks agreed that "one of the big problems in this country is that we don't give everyone an equal chance." Only 45 percent of whites with incomes over $15,000 agreed; 57 percent of whites with incomes less than $15,000 agreed.[82] The NES also offers evidence of wide disparities in black and white views of what constitutes proper government action. Data from the 1986, 1988, and 1992 NES showed that blacks offer high levels of support compared to whites for government social programs and government intervention in matters such as education, the economy, poverty, and housing. By large margins over whites, blacks favored programs to address discrimination in schools and the workplace.[83] Revealingly, the black-white gap grew even greater when black surveyors interviewed blacks and white interviewers interviewed whites, although the regardless of questioner, the racial gap persisted.[84]

On foreign policy issues, blacks and whites were more alike, but some noteworthy differences remained. In nearly equal numbers in the 1986-1992 NES surveys, nearly equal percentages of blacks and whites agreed about U.S. policy toward the Soviet Union (they both supported it) and U.S. involvement in Central America (about half of each group thought that the U.S. should withdraw). And similar percentages of blacks and whites (about one third of each) supported a cut in military spending. But agreement was not uniform across all foreign policy issues. Large gaps separated blacks and whites on U.S. policy toward South Africa (twice as many blacks favored sanctions against the apartheid regime as whites). And in 1992, blacks were more likely by nearly thirty points than whites to oppose U.S. involvement in the Persian Gulf. On social policies, including abortion, school prayer, and immigration restrictions black-white opinion was also relatively close. [85]

Studies of Hispanic and Asian American opinion are unfortunately fragmentary. There is nothing comparable in scale or scope to the National Election Studies that allow for a comparison of

Hispanic and white and black public opinion. Most surveys are from states with large Hispanic populations such as Texas and California. While they lack the comprehensiveness and detail of black/white opinion surveys, some trends emerge from the data. Like blacks and whites, Hispanics subscribe to some of the basic beliefs in hard work, individual achievement, and the "American dream."[86] Persons of Hispanic descent tend to favor government spending and anti-discrimination efforts to a greater extent than whites but to a lesser degree than blacks. On social issues, Hispanics are often more conservative than whites or blacks. Hispanic voters, for example, tend to favor restrictions on abortion to a greater degree than either groups. And like whites, many Hispanics hold negative stereotypes of blacks.[87]

Blacks and whites diverge on many other issues, trivial and significant. One of the most notable variations involves matters of law and order and criminal justice. Blacks have long been more suspicious of the police than whites, in part a consequence of the long history of disproportionate white representation on police forces, in part a consequence of deep-rooted memories of racial injustices such as lynching and the infamous trials of the Scottsboro Boys in the 1930s and the hasty acquittals of the murderers of Emmett Till and Medgar Evars in the 1950s and 1960s. National survey data covering the period from 1973 to 1993 show that blacks are less likely than whites to approve of police use of force against suspects. The recent furor over the trial of O.J. Simpson offers evidence of the black-white gap on legal matters. In the aftermath of the Simpson trial, the Washington Post found that 85 percent of blacks and only 34 percent of whites agreed with the jury's decision.[88]

Michigan-focused research confirms many of the national trends. From the 1940s onward, a slew of survey researchers have subjected Michigan's residents to close scrutiny. One of the pioneers in survey research, Arthur Kornhauser, conducted a survey of Detroit residents in 1951 and found that only 18 percent of white respondents from all over the city expressed "favorable" views toward the "full acceptance of Negroes" and 54 percent expressed "unfavorable" attitudes toward integration.[89]

In the decades since Kornhauser's survey of Detroit residents, white attitudes towards blacks have changed significantly, at least in terms of what they tell pollsters and survey researchers. Already by the 1960s, diminishing numbers of Detroiters told researchers that they approved of Jim Crow type segregation in their city. The boundaries of what is considered acceptable expression on matters of race have changed greatly for the better in the last forty years. But if white attitudes towards minorities have changed, but there remain very deep divisions and stereotypes that have persisted despite the civil rights revolution.

In the late 1980s, political scientist and pollster Stanley Greenberg conducted polls and focus groups among suburban white Detroiters. Directing his attention to "Reagan Democrats," that is working and middle class whites who defected from the Democratic party, Greenberg found intense racial resentments. He found that in his focus groups of white voters: "Blacks constituted the explanation for their vulnerability and for almost everything that had gone wrong in their lives; not being black was what constituted being middle class; not living with blacks was what made a neighborhood a decent place to live." Blacks, in the view of the whites interviewed, were privileged members of society; whites were disadvantaged victims.[90]

Many minorities have likewise expressed deep suspicion toward whites. Surveys of Detroiters conducted in the late 1969, showed that fifty percent of blacks but only 20 percent of whites were dissatisfied with the city's police.[91] Many black elected officials in Detroit built campaigns around their constituents' suspicion of the police. In 1992, less than twenty percent of Detroit area blacks, compared to about sixty percent of Detroit area whites expressed satisfaction with their police protection. White suburbanites were most satisfied with police protection (59 percent) compared to

black city residents (10-15 percent) and black suburbanites (25-45 percent).[92]

Whatever the validity of the beliefs expressed in polls and surveys, it is clear that blacks and whites have sharply divergent views about crucial issues such as the role of government, the reality of equal opportunity in crucial arenas of American life, and the effectiveness of certain social policies. This divergence is the consequence of centuries of racial division and separation in American life. The racial gap in opinion persists, even as some indicators, such as gaps in black-white family income levels and black-white high school graduation rates, are showing convergence.

XIII. CONCLUSION

In an increasingly diverse country, deep divisions persist between whites, blacks, Hispanics, and American Indians. There is nothing natural about these divisions. They are not immutable facts of life. Rather they are a consequence of a troubled and still unresolved past. Much about race and ethnic relations has changed in the last half century, but it is undeniable that in many aspects of American life, separation and interracial suspicion persist. Racial and ethnic groups remain separated by residence and education. Pronounced differences by race and ethnicity persist in socio-economic status and public opinion. Racial and ethnic stereotypes are all too common. There are unfortunately few places in American society where people of different backgrounds interact, learn from each other, and struggle to understand their differences and discover their commonality. The fundamental issue that we face at the end of the twentieth century is to work to overcome our divisions in the spirit of the venerable American motto, "E Pluribus Unum." To build unity from pluralism, to recognize diversity and learn from it, to fashion a democracy of many voices, is still an unfinished project. Its success is vital to our nation's future.

XIV. NOTES TO TEXT

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5. Edmund Jefferson Danziger, Jr., Survival and Regeneration: Detroit's American Indian Community (Detroit: Wayne State University Press, 1991), pp. 134-142.

6. Zaragosa Vargas, Proletarians of the North: A History of Mexican Industrial Workers in Detroit and the Midwest, 1917-1933 (Berkeley: University of California Press, 1993), pp. 24-34; Dennis Valdes, Al Norte: Agricultural Workers in the Great Lakes Region (Austin: University of Texas Press, 1991).

7. Vargas, Proletarians of the North, pp. 51-52, 87-88, 94, 100-106, 109-112.

8. Vargas, Proletarians of the North, pp. 66-69, 131-133.

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13. Shelley v. Kraemer, 334 U.S. 1 (1948); Hills v. Gautreaux, 425 U.S. 284 (1976). For a discussion of the Detroit background to the Shelley case, see Sugrue, Origins of the Urban Crisis, pp. 181-183. On patterns of segregation nationwide, see the overviews in Douglas S. Massey and Nancy Denton, American Apartheid: Segregation and the Making of the Urban Underclass (Cambridge: Harvard University Press, 1993); and Arnold R. Hirsch, "With or Without Jim Crow: Black Residential Segregation in the United States," in Urban Policy in Twentieth-Century America, ed., Arnold R. Hirsch and Raymond A. Mohl (New Brunswick: Rutgers University Press, 1993), pp. 65-99.

14. Massey and Denton, American Apartheid, pp. 11, 111-112; Reynolds Farley and William H. Frey, "Changes in the Segregation of Whites from Blacks During the 1980s: Small Steps Toward a More Integrated Society," American Sociological Review 59 (1994), p. 35.

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20. Sugrue, Origins of the Urban Crisis, pp. 231-258, 266; John Yinger, Closed Doors, Opportunities Lost: The Continuing Costs of Housing Discrimination (New York: Russell Sage Foundation, 1995), pp. 121-122; Reynolds Farley, Suzanne Bianchi, and Diane Colasanto, "Barriers to the Racial Integration of Neighborhoods: The Detroit Case," Annals of the American Academy of Political and Social Science 441 (1979), pp. 97-113; Reynolds Farley, Charlotte Steeh, Tara Jackson, Maria Krysan, and Keith Reeves, "Continued Residential Segregation in Detroit: 'Chocolate City, Vanilla Suburbs' Revisited," Journal of Housing Research 4 (1993), Fig. 5.

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27. Farley, et al., "Continued Residential Segregation," pp. 20-23.

28. In 1976, 84 percent of whites expressed that they would be unwilling to move into a neighborhood that was 60 percent or more black; in 1992, the number of whites unwilling to move to such a neighborhood fell to 71 percent. In 1976, 50 percent of Detroit area whites expressed their unwillingness to move into a majority white neighborhood that was two-thirds white and only one-third black; only 31 percent were unwilling to move into such a neighborhood in 1992. Farley, et al, "Stereotypes and Segregation," p. 756, Figure 3.

29. Farley, et al., "Stereotypes and Segregation," p. 757.

30. Farley, et al., "Stereotypes and Segregation," p. 778, Table A1.

31. Farley, et al., "Stereotypes and Segregation," pp. 772-777, quote p. 777. For a comparative discussion of Detroit, Atlanta, Boston, and Los Angeles, see Reynolds Farley, Elaine L. Fielding, and Maria Krysan, "The Residential Preferences of Blacks and Whites: A Four-Metropolis Analysis," Housing Policy Debate 8 (1997), pp. 763-800.

32. Massey and Denton, American Apartheid, pp. 84-87, Table 4.1.

33. Farley, et al., "Stereotypes and Segregation," pp. 751-752.

34. Farley, et al., "Continued Residential Segregation," 4-7.

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EXPERT REPORT OF ERIC FONER

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

I. Statement of Qualifications:

I am currently the DeWitt Clinton Professor of History at Columbia University. I have been a faculty member in the Columbia Department of History since 1982. Before that, I served as a Professor in the Department of History of City College and Graduate Center at City University of New York from 1973-1982. I have written extensively on issues of race in American history, with particular emphasis on the Reconstruction period. I will become the President-elect of the American Historical Association in January 1999. A complete *curriculum vitae*, including a list of publications, is attached hereto as Appendix A.

II. Information Considered in Forming Opinions:

A selected bibliography of sources consulted is attached hereto as Appendix B.

III. Other expert testimony; compensation:

I have not testified as an expert at trial or by deposition within the preceding four years. I am being compensated at a rate of $200/hr. for my work in connection with this matter.

IV. Opinions to be expressed and the basis and reasons therefor:

Executive Summary

Race has been a crucial line of division in American society since the settlement of the American colonies in the beginning of the 17th century. It remains so today. While the American understanding of the concept of "race" has changed over time, the history of African-Americans provides a useful template for understanding the history of race relations. The black experience has affected how other racial minorities have been treated in our history, and illuminates the ways in which America's white majority has viewed racial difference.

Of the approximately 800,000 people to arrive in the American colonies between 1607 and the Revolution, approximately 300,000 were African slaves. Slavery was not a static institution. In the early colonial period, the experience of African slaves had much in common with that of white indentured servants. The rise of plantation agriculture in the South ushered in a far harsher era of slavery, and the concept of race took on a greater social significance. This entrenched form of slavery -- ultimately enshrined in the Constitution -- helped shape the identity of all Americans.

In the 19th century, the abolitionist movement argued for a purely civic understanding of American identity, insisting that genuine freedom meant civic equality. In the era of Reconstruction, American society formally embraced these

principles. But this experiment in interracial democracy lasted only a little more than a decade. By the early 20th century, a new system of racial subordination had been established in the South, effectively nullifying the Fourteenth and Fifteenth Amendments, while in the North blacks were denied access to industrial employment.

In the 20th century, while both World War I and the New Deal presented opportunities to challenge the racial status quo, both experiences served only to sharpen the line of racial demarcation. During World War II, in response to Nazi tyranny, American society again embraced the language of racial equality. A period of civil rights activism followed, as black Americans once again turned to federal law and invoked the federal Constitution as source of protection against subordination. While these decades have seen substantial progress in addressing racial inequality, the salience of race in American life remains powerful. In part because of historic memory, and in part because of current reality, race continues to affect outlook, perception, and experience.

* * * * *

Since the earliest days of colonial settlement, race has been a crucial line of division in American society. For two and a half centuries, the large majority of African-Americans were held in slavery, and even after emancipation were subjected to discrimination in every aspect of their lives. Other minority groups have suffered severe inequalities as well. Today, while the nation has made great progress in eradicating the "color line," the legacy of slavery and segregation remains alive in numerous aspects of American society.

It would be wrong, of course, to generalize too broadly about the lives of any group of Americans. As with whites, the experiences of black Americans have been shaped by region and class as well as race. Nonetheless, because of their unique historical relationship to the key institutions of American life – including the polity, economy, and judicial and educational systems – blacks by and large have had different life experiences and have developed different social attitudes and expectations than most white Americans. This results not from any inborn "racial" characteristics, but from the historical development of American society.

Scholars today frequently describe race as "socially constructed." By this they mean that rather than a timeless biological reality, race, defined as a society's racial ideas and practices, has changed dramatically over time. This report will chronicle how the meaning of "race" and the status and experience of racial minorities have evolved during the course of American history. The history of race in America is not a narrative of linear progress toward a preordained goal. Rather, it is a story of continual debates and struggles, in which rights are sometimes won and at other times taken away.

Different societies define race in different ways. In the United States, the idea of race has at various times encompassed groups (like Irish, Jewish, and Italian immigrants) who are no longer considered separate "races," but have been assimilated into the broad category of white Americans. Today, with the Hispanic and Asian-American populations growing rapidly, the familiar bipolar understanding of race in America as a matter of black and white is increasingly out of date. Nonetheless, this report of the salience of race in American history will focus primarily, although not exclusively, on the experience of African-Americans. There are compelling historical reasons for this. Not only have African-Americans suffered an exceptional degree of discrimination, beginning with two and a half centuries of racial slavery, but for historical reasons, the black condition has been and remains a unique litmus test of how fully American society lives up to its professed creed of equal rights and opportunities for all citizens. Moreover, the black experience has profoundly affected how other racial minorities have been treated in our history, and the ways in which such groups have viewed the larger society. (Thus, in the 1960s, the movement for black civil rights quickly

spawned parallel movements among Asian-Americans, Hispanic-Americans, and Native Americans, all using the same political vocabulary, legal tactics, and forms of protest as the black struggle.)

When Thomas Jefferson in 1776 proclaimed mankind's inalienable right to life, liberty, and the pursuit of happiness in the Declaration of Independence, slavery was already an old institution in America. Two and a half centuries had passed since the first African-Americans set foot in Britain's mainland colonies. Before the American Revolution, slavery had existed in all the colonies, as well as in parts of the Spanish and French empires like Florida, Louisiana, and northern Mexico, subsequently absorbed into the United States. Slavery is as old as human civilization itself, but the slave system that arose in the western hemisphere differed in significant ways from what had preceded it. First, it was a plantation system, in which large concentrations of slave laborers produced goods -- sugar, tobacco, rice, and later cotton -- for the world market. Second, it was a racial system, in which all black persons, slave or free, bore the stigma of bondage. Rather than a peripheral institution or minor presence, slavery was indispensable to the settlement and development of the New World. Of the approximately 12.5 million persons who crossed the Atlantic to live in the western hemisphere between 1500 and 1820, some 10 million were African slaves. Even in the colonies that became the United States, which attracted a higher percentage of free immigrants, of approximately 800,000 arrivals between 1607 and the eve of independence, over 300,000 were slaves. By the time of the Revolution, slavery dominated the social and economic order of every colony from Maryland south to Georgia, and one American in five was a black slave.

Nonetheless, slavery, and the racial systems that arose from it, were never static institutions. Early colonial slavery was far more open and indeterminate than it would later become. Slaves and white indentured servants worked together, drank together, engaged in sexual relations, and frequently ran away in interracial groups. In many ways persons of African descent were not equal to whites -- but in a society of brutal labor exploitation that affected white indentured servants as well as black slaves, slavery was one form of inequality among many and color did not have the salience it would later achieve as a line of social division.

In the southern colonies, the consolidation of plantation agriculture in the late seventeenth and early eighteenth centuries and the achievement of political dominance by the planter class inaugurated a new and far harsher era of slavery, in which avenues to freedom were effectively curtailed. Race took on far greater social significance, as planters filled the statute books with laws distinguishing between white and black and subjected free blacks to more and more onerous regulations. Indeed, even in the northern colonies, where slavery was less central to the economy, the situation of free blacks deteriorated in the eighteenth century. Throughout the colonies, "free" increasingly became a term associated only with whites.

Slaves, of course, experienced the institutions of politics and the law quite differently from white Americans. Before the law, slaves were property who had virtually no legal rights. They could be bought, sold, leased, and seized to satisfy an owner's debt, their family ties had no legal standing, and they could not leave the plantation or hold meetings without the permission of their owner. Masters had almost complete discretion in inflicting punishment, and rare was the slave who went through his or her life without experiencing a whipping. The entire system of southern justice, from the state militia and courts to slave patrols in each locality, was committed to enforcing the master's control over his human property, and no aspect of their lives, no matter how intimate, was beyond the reach of his interference.

The American Revolution threw the future of slavery into doubt. With its affirmation of freedom as a universal human right and of the new nation as an asylum of liberty for the oppressed peoples of the world, the Revolution made slavery

for the first time a matter of widespread public debate and inspired hopes that the institution could be eliminated from American life. With the British offering freedom to slaves who joined the royal cause, nearly 100,000 deserted their owners. Thousands more escaped bondage by enlisting in the Revolutionary Army. In "freedom petitions"--arguments for emancipation presented to New England's courts -- slaves claimed the rhetoric of liberty for themselves. Motivated by devotion to revolutionary ideals, a considerable number of Southern slaveholders, especially in Virginia and Maryland, voluntarily emancipated their slaves during the 1780s. By the end of the century, all the Northern states had provided for gradual emancipation. As a result, the first large communities of free African-Americans came into existence. By 1790, some 60,000 free blacks lived in the United States; by 1860 their number would increase to nearly half a million, over half of them in the slave states. In cities like Charleston and New Orleans, the free black community included numerous persons of education, wealth, and professional accomplishment -- individuals well-positioned to take the lead in black politics in the early years of Reconstruction. Most free blacks, however, were poor urban or rural laborers, who enjoyed few rights other than not being considered a form of property.

In the end, slavery not only survived the Revolution but in some ways emerged from it strengthened. Paralyzed by the conviction that the two races could not live together on a basis of equality, no Southern state took steps toward abolition. Southerners like Thomas Jefferson and James Madison, who owned slaves but hoped the institution could be abolished, coupled the idea of emancipation with the "colonization" of blacks outside the country. They could not imagine the United States as a biracial community.

Slavery, moreover, was deeply embedded in the new federal constitution (although it was not named in that document -- slaves were called "other persons," as a concession to the sensibilities of delegates who feared the word "slavery" would "contaminate the glorious fabric of American liberty"). The Constitution allowed the slave trade from Africa to continue for twenty more years, required states to return to their owners fugitives from bondage, and provided that three-fifths of the slave population be counted in allocating electoral votes and Congressmen among the states. Taken together, these measures guaranteed an increase in the slave population and gave the slave South far greater power in national life than its free population warranted.

Not only did slavery fail to wither and die as some of the founders had hoped, but the institution soon entered an era of tremendous territorial and economic expansion based on rapidly growing world demand for cotton, the raw material of the early textile industry. As the nation expanded westward, so too did slavery, giving rise to the Cotton Kingdom of the Deep South. The peopling of the Cotton Kingdom involved an immense forced migration. Hundreds of thousands of slaves were sold from the older eastern states to plantations in Mississippi, Alabama, and Louisiana, or were uprooted from their homes to accompany masters who transplanted themselves to the fertile soil of the Old Southwest. Because of its high rate of natural increase, the slave population grew apace even after the importation of enslaved Africans was barred in 1808. On the eve of the Civil War, there were nearly four million slaves in the United States, and the South had become the largest, most powerful slave society the modern world has known.

The fact that the new nation was committed to liberty yet rested, to a considerable extent, on slavery was more than an irony or contradiction. For slavery helped to shape the identity, the sense of self, of all Americans. Constituting the most impenetrable boundary of citizenship, slavery rendered blacks all but invisible to those imagining the American community itself. When Hector St. John Crèvecoeur, posed his famous question, "What then is the American, this new man?," he answered: "a mixture of English, Scotch, Irish, French, Dutch, Germans, and Swedes .... He is either a European, or the descendant of a European." This at a time

when fully one-fifth of the population (the highest proportion in our history) consisted of Africans and their descendants. The power of slavery to shape ideas about race and its connection to American identity was revealed in the Naturalization Act of 1790, which offered the first legislative definition of American nationality. With no debate, Congress restricted the process of becoming a citizen to "free white persons." For eighty years, only white immigrants could become naturalized citizens. Blacks were added in 1870, but not until the 1940s did persons of Asian origin become eligible.

The Naturalization Act suggests that by narrowing the gradations of freedom among the white population, the Revolution widened the divide between free Americans and those who remained in slavery. Race, which had long constituted one of many kinds of legal and social inequality among colonial Americans, now emerged as a convenient justification for the existence of slavery in a land ideologically committed to freedom as a natural right. By the nineteenth century, the idea of innate black inferiority, advanced by Jefferson in Notes on the State of Virginia as a "suspicion," would mature into a full-fledged ideology, central to many definitions of American nationality itself.

Even as white Americans' rhetoric grew ever more egalitarian in the age of Jacksonian democracy, the somewhat tentative thinking of the Revolutionary era flowered into a fully developed racist ideology, complete with "scientific" underpinnings. "Race" gained broad acceptance as the explanation for the boundaries of nationality. In the revolutionary era, only Virginia, South Carolina, and Georgia explicitly confined the vote to whites, although elsewhere, custom often made it difficult for free blacks to exercise the franchise. As late as 1800, no Northern state limited the suffrage on the basis of race. But every state that entered the Union after that year, with the single exception of Maine, restricted the right to vote to white males. And in states such as New York and Pennsylvania, the right of free blacks to vote was either narrowed or eliminated entirely. By 1860, blacks could vote on the same basis as whites only in five New England states. By 1837, a delegate to the Pennsylvania constitutional convention could describe the United States as "a political community of white persons." The rhetoric of racial exclusion suffused the political language, adopted, by the eve of the Civil War, even by the Supreme Court. In America, according to Chief Justice Roger A. Taney in the Dred Scott decision of 1857, blacks could not be citizens; they "had no rights which the white man was bound to respect." The American people, Taney argued, constituted a "political family" restricted to whites. It was a family of which blacks, free or slave, could never be a part.

If blacks, free or slave, were excluded from democracy, a defining element of American nationality, "race" also barred them from benefitting from the expanding economic opportunities unleashed by the market revolution of the nineteenth century. While the larger society celebrated social advancement, free blacks' actual experience was downward mobility. At the time of abolition, because of widespread slave ownership among eighteenth-century artisans, a considerable number of Northern blacks were skilled craft workers. By mid-century, the vast majority labored for wages in unskilled jobs and as domestic servants. Nor could free blacks take advantage of the opening of the West to improve their economic status, as so many whites were able to do. Federal law barred them from access to the public domain and four states -- Indiana, Illinois, Iowa, and Oregon -- prohibited them from entering their territory altogether. The goal of economic independence held as much appeal to blacks as white Americans. But it was almost unimaginably remote; the vast majority could only look forward to a lifetime of economic subservience.

In a country whose economic growth and territorial expansion required appropriating the land of one nonwhite group (Native Americans), exploiting the labor of another (slaves), and annexing much of a nation defined as non-white (Mexico), it was inevitable that nationhood would acquire a powerful racial dimension. During the 1840s, as the United States acquired vast new lands from Mexico and the ideology of manifest destiny

reached its greatest influence, territorial expansion came to be seen as proof of the innate superiority of the "Anglo-Saxon race." "Race" in the mid-nineteenth century was an amorphous notion involving color, culture, national origin, and religion. But the idea that race, as the Democratic Review declared, was the "key" to the "history of nations" and the rise and fall of empires was widely popularized in campaign speeches, political treatises, and the writings of the era's philosophers and historians.

This focus on "race" helped to solidify a sense of national identity among the diverse groups of European origin that made up the free white population. Between 1830 and 1860 nearly five million people (more than the entire population of 1790) entered the United States, the vast majority from England and Ireland. While immigrants from England were easily absorbed, those from Ireland faced considerable hostility. Nativists contended that the Irish, ostensibly unfamiliar with American conceptions of liberty and subservient to the Roman Catholic Church, posed a threat to democratic institutions. Stereotypes similar to those directed at blacks flourished regarding the Irish as well -- childlike, indolent, and slaves of the passions, they were supposedly unsuited for republican freedom. Yet despite the reality of severe anti-Irish discrimination in jobs, housing, and education, it is remarkable how little came of demands that immigrants be barred from the political nation. Under the Nationalization Act of 1790, they were eligible to become citizens, and the vast majority had the good fortune to arrive after white manhood suffrage had become the norm and thus were automatically accorded the right to vote. In a country where political democracy had become intrinsic to the definition of the nation itself, it is difficult to overstate the importance of the fact that white male immigrants could vote almost from the moment they disembarked in America, while blacks, whose ancestors had lived in the country for centuries (and Indians, who had been here even longer) could not.

Even as slavery spawned a racialized definition of American nationality, however, the struggle for abolition gave rise to its opposite, a purely civic understanding of American identity. The origins of the idea of an American people unbounded by race lies not with the founders, who by and large made their peace with slavery, but with the abolitionists. The antislavery crusade insisted on the "Americanness" of slaves and free blacks, and maintained that birthplace, not race, should determine who was an American. This idea of birthright citizenship, later enshrined in the Fourteenth Amendment, was a truly radical departure from the traditions of American life. "We do not admit," declared the New England Magazine in 1832, "that America is as much the country of the blacks, bound and free, as it is ours." Abolitionists insisted that it was.

Though hardly free from the racial preconceptions so prevalent in their society, white abolitionists insisted that genuine freedom meant civic equality. "While the word 'white' is on the statute-book of Massachusetts," declared abolitionist Edmund Quincy, "Massachusetts is a slave state." Against overwhelming odds, abolitionists launched legal and political battles against racial discrimination in the North, occasionally achieving victories like the end of school segregation in Massachusetts in 1855. Even more persistently than their white counterparts, black abolitionists articulated the ideals of egalitarian constitutionalism. "The real battleground between liberty and slavery," wrote black editor Samuel Cornish, "is prejudice against color."

But in the years before the Civil War, the abolitionists achieved few successes. Indeed, with the passage of the Fugitive Slave Law of 1850, several thousand Northern blacks fled to Canada. The law for the first time empowered the federal government to apprehend fugitives, and offered little protection against enslavement to Northern blacks who had been born free. The spectacle of men and women native to the United States seeking asylum in another country in order to preserve their liberty

struck a discordant note in the familiar narrative of American history as a saga of freedom.

It was the Union's triumph in the Civil War that, at least in constitutional law, established equal citizenship as the birthright of all Americans, regardless of race. Racism was hardly eradicated from national life. But by 1865, declared George William Curtis, editor of Harper's Weekly, the war and emancipation had transformed a government "for white men" into one "for mankind." But more than redrawing the boundaries of citizenship, the Civil War linked the progress of emancipation and racial equality directly to the power of the federal government. Begun to preserve the old Union, the Civil War brought into being a new American nation-state, with greatly expanded powers and responsibilities. Having received their freedom through an unprecedented exercise of national power, blacks identified fully with the national state. To this day, few African-Americans share the instinctive sense among so many whites that the enjoyment of liberty requires reining in federal authority.

As during the Revolution, African-Americans appropriated the wartime rhetoric of emancipation and equality while giving these common American values their own distinctive definition. Freedom meant something quite different to men and women who had long enjoyed its blessings than to those to whom it had always been denied. For whites, freedom, no matter how defined, was a given, a birthright to be defended. For African-Americans, the experience of slavery would long shape their conception of themselves and their place in American society. Freedom, their history suggested, was something to be fought for, not an entitlement to be taken for granted.

At Gettysburg, Abraham Lincoln had spoken of a nation "conceived in liberty, and dedicated to the proposition that all men are created equal" -- an invocation of the Declaration of Independence and a recognition of the inner logic of emancipation. During the Reconstruction era that followed the Civil War, in a remarkable, if temporary reversal of political traditions, the federal government sought to identify and protect the equal rights of all Americans, regardless of race. The first statutory definition of American citizenship, the Civil Rights Act of 1866, declared all persons born in the United States (except Indians) national citizens and spelled out rights they were to enjoy equally. The Fourteenth Amendment, approved by Congress in 1866 and ratified two years later, for the first time enshrined in the Constitution the ideas of birthright citizenship and equal rights for all Americans. Soon afterward, the Fifteenth Amendment, ratified in 1870, barred the states from making race a qualification for voting. By the time Reconstruction legislation had run its course, the federal government had redefined American nationality to embody civil and political equality for African-Americans as well as whites.

It is tempting to view the expansion of citizens' rights during Reconstruction as the logical fulfillment of a vision articulated by the founding fathers but for pragmatic reasons not actually implemented when the Constitution was drafted. Yet, boundaries of exclusion had long been intrinsic to American citizenship. Reconstruction represented less a fulfillment of the Revolution's principles than a radical repudiation of the nation's actual practice for the previous seven decades. Indeed it was precisely for this reason that the era's laws and constitutional amendments aroused such bitter opposition. The underlying principles -- that the federal government possessed the power to define and protect citizens' rights, and that blacks were equal members of the body politic -- were striking departures in American law. President Andrew Johnson, who vetoed bill after bill only to see them reenacted by Congress, claimed with some justification that federal protection of blacks' civil rights, together with the broad conception of national power that lay behind it, violated "all our experience as a people." The radicalness of Reconstruction helps to explain why its vision of racial equality turned out to be unfulfilled.

The nation's first experiment in interracial democracy, Reconstruction lasted only a little more

than a decade. By 1877, white supremacy had returned to the South and the federal government soon abandoned the responsibility for protecting the rights of black citizens. By the early twentieth century, a new system of racial subordination had come into being in the South. In the words of the historian Rayford Logan, blacks occupied a "separate wing" of the "edifice of national unity," and "on the pediments . . . were carved Exploitation, Disfranchisement, Segregation, Discrimination, Lynching, Contempt."

Economically, blacks continued to be excluded from the promise of the American dream. Trapped at the bottom of a stagnant regional economy, excluded from jobs in the textile factories that burgeoned in the southern piedmont, and denied access to industrial employment in the North, most blacks had few chances to improve their situation in life. Most urban black males worked as manual laborers or as personal servants in white homes. The large majority of employed black women labored as laundresses, washerwomen, and domestic workers. A rigidly segmented job market kept blacks excluded from nearly all skilled employment. Most labor unions, North and South, barred blacks from membership. The few exceptions, such as the Knights of Labor, which flourished in the 1880s, attracted a large membership of blacks eager to find allies in the struggle for economic empowerment and respect in the workplace. The Knights' demise in the 1890s left some local unions of longshoremen and mine workers with significant numbers of black and white members. But in most occupations, the few unions that existed in the South formed yet another barrier to blacks' economic advancement. In the Upper South, economic development offered some opportunities – mines, iron furnaces, and tobacco factories employed black laborers and a good number of black farmers managed to acquire land, although usually small plots of marginal fertility. In the Deep South, however, African-Americans owned a smaller percentage of the land in 1900 than they had at the end of Reconstruction.

Neither black voting nor officeholding came to an abrupt end in 1877. But beginning with Mississippi in 1890, every southern state amended its laws or constitution to disenfranchise the black population. In the process, they not only halted and reversed the long trend toward expanding political rights in the United States, but transformed Deep South states into political rotten boroughs whose representatives in Congress would long wield far greater power on the national scene than their tiny electorates warranted. Southern whites, however, did not create their new system of white supremacy alone. The effective nullification of the Fourteenth and Fifteenth Amendments occurred with the full acquiescence of the North. By 1900, the ideals of egalitarian citizenship and freedom as a universal entitlement had been repudiated. In 1898, the Supreme Court gave the green light to the disenfranchisement movement by ruling, in Williams v. Mississippi, that the suffrage provisions of the state's 1890 constitution did not violate the Fifteenth Amendment, since the new system of poll taxes and literacy tests did not "on their face discriminate between the races," even though its result was to bar virtually every black resident of the state from voting.

Along with disenfranchisement, the 1890s saw the widespread imposition of racial segregation in the South. De facto racial separation had existed in Reconstruction schools and many other institutions. But it was not until the 1890s that the United States Supreme Court, in the landmark decision in Plessy v. Ferguson, gave its approval to state laws requiring separate facilities for blacks and whites. The Plessy decision was quickly followed by laws mandating segregation in every aspect of life, from schools to hospitals, waiting rooms to toilets, drinking fountains to cemeteries. In some states, taxi drivers were forbidden by law to carry members of different races at the same time. But more than simply a form of racial separation, segregation was part of a complex system of white domination, in which each component – disenfranchisement, unequal economic status, inferior education – reinforced the others. The point was not so much to keep the races apart as to ensure that when they came into contact with each other,